

REMARKS

This Application has been carefully reviewed in light of the Final Office Action mailed March 1, 2004 ("*Final Office Action*"). Claims 1-40 are pending in this patent application and stand finally rejected. Applicant amends Claims 1, 4, 7, 10, 17, 23, 27, 28, and 34 to more clearly recite the original intent of these Claims and not in response to any reference cited by the Examiner. Applicant respectfully requests reconsideration and favorable action in this case.

Interview Summary

Applicant's attorney, Mr. Barton E. Showalter (Reg. No. 38,302), conducted a telephonic interview with Examiners Cameron Saadat and Kathy Christman on March 30, 2004. Applicant thanks the Examiners for the courtesy and opportunity to conduct the telephonic interview. Applicant submits this summary of the telephonic interview to record Applicant's understanding of the substance of the interview and to comply with M.P.E.P. §713.04.

During the interview, the Examiners and the attorney for Applicant discussed the rejection of the claims. The Examiners and the attorney for Applicant discussed the Examiners' view of U.S. Patent No. 5,823,788, which issued to Lemelson et al. ("*Lemelson*"), and U.S. Patent No. 5,002,491, which issued to Abrahamson et al. ("*Abrahamson*"). The Examiners agreed to consider Applicant's arguments in this response. No agreement was reached regarding the claims.

Claim Rejections - 35 U.S.C. §102(b)

The Examiner rejects various claims under 35 U.S.C. §102(b). To anticipate a claim under §102, a single prior art reference must describe, either expressly or inherently, each and every element of the claim. M.P.E.P. §2131.

Claims 1, 2, 4-7, 10, 17, 18, 20, and 22

The Examiner maintains a rejection of Claims 1, 2, 4-7, 10, 17, 18, 20, and 22 as being anticipated by *Abrahamson*. Applicant's independent Claim 1, as amended, recites:

A method for communicating in an education environment, comprising:

determining a current question from a plurality of questions, the current question having a plurality of possible answers;

receiving from one of a plurality of remote units a message comprising a remote unit identifier and a current response;

determining that the current response is valid if the current response corresponds to any of the possible answers for the current question;

if the current response is valid, visually indicating to a user of the remote unit that the current response is valid; and

if the current response is not valid, visually indicating to the user of the remote unit that the current response is not valid.

Applicant respectfully submits that *Abrahamson* fails to describe, either expressly or inherently, each and every element of this Claim.

The Examiner maintains the rejection of Claim 1 set forth in the previous Office Action, in which the Examiner cited a sentence in *Abrahamson* concerning providing immediate feedback regarding the correctness of answers. *Abrahamson*, Col. 12, lines 48-50. However, a “valid” response, as described in Claim 1, is a “current response [that] corresponds to any of the possible answers for the current question.” *Abrahamson*, on the other hand, only describes providing feedback regarding the correctness of answers. While a correct answer must be valid, an incorrect answer may also be valid. The difference between “valid” and “correct” is made clear in Claim 7:

The method of Claim 1, further comprising:

determining that a valid response for each of the questions has been received from the remote unit;

visually indicating to a user that a valid response for each of the questions was received;

comparing the complete set of valid responses to a set of correct answers to the questions; and

determining a score for the complete set of valid responses.

“Valid responses” may be compared with “correct answers” to determine a score because not every valid response may correspond with a correct answer. Thus, “validity” and “correctness” represent distinct concepts. For at least these reasons, *Abrahamson* fails to describe, either expressly or inherently, “determining that the current response is valid if the current response corresponds to any of the possible answers for the current question.”

Abrahamson also fails to disclose “if the current response is valid, visually indicating to a user of the remote unit that the current response is valid” and “if the current response is not valid, visually indicating to the user of the remote unit that the current response is not valid.” In the latest Office Action, the Examiner cites four figures in *Abrahamson* as disclosing these claim elements: Figures 4DD, 4EE, 5A, and 5B. However, Figure 4DD graphs the percentage of answers inputted versus time; Figure 4EE shows the percentage of answers in separate categories; Figure 5A shows the number of students that placed various numbers of items out of order in a sequencing assignment; and Figure 5B shows the correct sequence of the answers along with an average error for each step in the sequence. *See* Figures 4DD, 4EE, 5A, 5B, and Col. 17, line 51 – Col. 18, line 9. In short, none of these Figures indicates “validity” or “invalidity” of a current response. Thus, *Abrahamson* fails to describe, either expressly or inherently, “if the current response is valid, visually indicating to a user of the remote unit that the current response is valid” and “if the current response is not valid, visually indicating to the user of the remote unit that the current response is not valid.”

These reasons apply similarly with respect to Applicant’s independent Claim 17. Claims 2, 4-7, and 10 depend from Claim 1, while Claims 18, 20, and 22 depend from Claim 17. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 1, 2, 4-7, 10, 17, 18, 20, and 22.

Claims 37-39

The Examiner rejects Claims 37-39 under 35 U.S.C. §102(b) as being anticipated by *Lemelson*. Applicant’s independent Claim 37 recites:

A graphical user interface, comprising:
a plurality of sections on a display simultaneously viewable by users of a plurality of remote units, each section corresponding to one of the remote units, each section displaying:
a first portion displaying a remote unit identifier identifying the remote unit corresponding to the section; and
a second portion displaying a question identifier identifying a particular one of a plurality of questions; and
a visual indication operable to be displayed in a selected section of the display when a message is received by a base station from a selected remote unit corresponding to the selected section, wherein the message comprises a response to the question identified by the question identifier.

Applicant respectfully submits that *Lemelson* fails to describe, either expressly or inherently, each and every element of this Claim.

Among other aspects of Claim 37, *Lemelson* fails to disclose “a plurality of sections on a display simultaneously viewable by users of a plurality of remote units.” As teaching these elements, the Examiner cites a portion of *Lemelson* discussing an instructor base station that may display information on an instructor’s display 44. *Lemelson*, Col. 3, lines 1-19. Furthermore, *Lemelson* discloses that the base station “may include a display 14 for displaying information selected by the instructor to the class.” *Lemelson*, Col. 3, lines 22-24. In describing use of display 14, *Lemelson* states:

the microprocessor may control the class display 14 to display updated information defining questions or comments the instructor may wish to make known to the entire class simultaneously, such as may otherwise be done by using, for example, a conventional blackboard. In addition, in response to a display request, the microprocessor 40 may enable the class display to display graphics or supplemental video information to enhance teaching effectiveness. Furthermore, display requests may enable the microprocessor 40 to change the format and organization of the displayed information.

Col. 12, lines 7-18. However, nowhere does *Lemelson* describe “a plurality of sections on a display simultaneously viewable by users of a plurality of remote units,” particularly as the plurality of sections are further described in Claim 37. For example, nowhere does *Lemelson* describe that “each section correspond[s] to one of the remote units.” Furthermore, *Lemelson* fails to discuss that each section displays:

a first portion displaying a remote unit identifier identifying the remote unit corresponding to the section; and
a second portion displaying a question identifier identifying a particular one of a plurality of questions.

For at least these reasons, *Lemelson* fails to describe, either expressly or inherently, “a plurality of sections on a display simultaneously viewable by users of a plurality of remote units.”

Claims 38 and 39 depend from Claim 37. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 37-39.

Claim Rejections - 35 U.S.C. §103(a)

The Examiner rejects various claims under 35 U.S.C. §103. To establish obviousness of a claimed invention under §103, all claim limitations must be taught or suggested by the prior art. M.P.E.P. §2143.03.

Claim 3

The Examiner maintains a rejection of Claim 3 under 35 U.S.C. §103(a) as being unpatentable over *Abrahamson* in view of U.S. Patent No. 6,039,575, which issued to L'Alltier et al. ("*L'Alltier*"). Claim 3 depends from independent Claim 1 shown above to be patentable over *Abrahamson*. The introduction of *L'Alltier* fails to provide the elements of Applicant's independent Claim 1 not shown by *Abrahamson*. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claim 3.

Claim 19

The Examiner maintains a rejection of Claim 19 under 35 U.S.C. §103(a) as being unpatentable over *Abrahamson* in view of *Lemelson*. Claim 19 depends from independent Claim 17 shown above to be patentable over *Abrahamson*. The introduction of *Lemelson* fails to provide the elements of Applicant's independent Claim 17 not shown by *Abrahamson*. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claim 19.

Claims 8, 9, 11-16, and 21

The Examiner maintains a rejection of Claims 8, 9, 11-16, and 21 under 35 U.S.C. §103(a) as being unpatentable over *Abrahamson* in view of U.S. Patent No. 6,302,698, which issued to Ziv-El ("*Ziv-El*"). The reasons discussed above with regard to the patentability of independent Claims 1 and 17 over *Abrahamson* apply similarly with respect to Applicant's independent Claim 11. Claims 8 and 9 depend from independent Claim 1; Claims 12-16 depend from independent Claim 11; and Claim 21 depends from independent Claim 17. The introduction of *Ziv-El* fails to provide the elements of Applicant's independent Claims 1, 11,

and 17 not shown by *Abrahamson*. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 8, 9, 11-16, and 21.

Claims 23-26, 28-33, 35, 36 and 40

The Examiner rejects Claims 23-26, 28-33, 35, 36 and 40 under 35 U.S.C. §103(a) as being unpatentable over *Lemelson* in view of *Ziv-El*. Independent Claim 23, as amended, recites:

A method for communicating in an education environment, comprising:

displaying a plurality of sections on a display, each one of the sections associated with one of a plurality of remote units;

receiving from a selected remote unit a message comprising a remote unit identifier for the selected remote unit and a current response to a question, the question having a plurality of possible responses; and

in response to receiving the current response from the selected remote unit, displaying a visual indication in the section corresponding to the selected remote unit, the visual indication indicating whether the current response corresponds to a previous response to the question received from the selected remote unit.

Applicant respectfully submits that *Lemelson* in view of *Ziv-El* fails to teach or suggest all limitations of this Claim.

Among other aspects of Claim 23, *Lemelson* in view of *Ziv-El* fails to teach or suggest a “visual indication indicating whether the current response corresponds to a previous response to the question received from the selected remote unit.” The Examiner admits that *Lemelson* fails to disclose this limitation of Claim 23. *Final Office Action*, page 4. Instead, the Examiner cites the “tries section” of Figure 14 of *Ziv-El* as disclosing this limitation. *Id.* However, *Ziv-El* states that “[t]he column headed ‘Tries’ indicates the number of attempts made by the student on this question, a deviation from a correct response being counted as a try.” *Ziv-El*, Col. 22, lines 58-61. Thus, the “tries section” shows the total number of incorrect answers submitted by a student. Showing the total number of incorrect answers simply fails to indicate “whether the current response corresponds to a *previous* response.” For at least these reasons, *Lemelson* in view of *Ziv-El* fails to teach or suggest a “visual

indication indicating whether the current response corresponds to a previous response to the question received from the selected remote unit.”

These reasons apply similarly with respect to Applicant’s independent Claim 30. Claims 24-26, 28, and 29 depend from independent Claim 23, while Claims 31-33, 35, and 36 depend from independent Claim 30. Furthermore, Claim 40 depends from independent Claim 37, which was shown above to be patentable over *Lemelson*. The introduction of *Ziv-El* fails to provide the elements of Applicant’s independent Claim 37 not shown by *Lemelson*. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 23-26, 28-33, 35, 36 and 40.

Claims 27 and 34

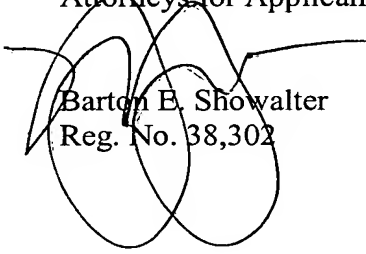
The Examiner rejects Claims 27 and 34 under 35 U.S.C. §103(a) as being unpatentable over *Lemelson* in view of *Ziv-El* and further in view of U.S. Patent No. 6,112,049, which issued to Sonnenfeld (“*Sonnenfeld*”). Claim 27 depends from independent Claim 23, while Claim 34 depends from independent Claim 30. Both Claim 23 and 30 are shown above to be patentable over *Lemelson* in view of *Ziv-El*. The introduction of *Sonnenfeld* fails to provide the elements of Applicant’s independent Claims 23 and 30 not shown by *Lemelson* in view of *Ziv-El*. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 27 and 34.

Conclusions

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any outstanding fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
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